

Remarks

Claims 1 to 14 are pending in this application. All the pending claims stand rejected. Applicants respectfully request reconsideration of the rejected claims in light of the following remarks.

§ 102 Rejections

Applicants acknowledge with appreciation that the Examiner has withdrawn the previous rejection of claims 1, 8, 10, and 12 under 35 U.S.C. § 102(e) as being anticipated by Moore et al. (U.S. Patent No. 6,224,832).

Applicants acknowledge with appreciation that the Examiner has withdrawn the previous rejection of claims 1-4 and 8-13 under 35 U.S.C. § 102(e) as being anticipated by Freitag et al. (U.S. Patent No. 6,566,461).

Applicants acknowledge with appreciation that the Examiner has withdrawn the previous rejection of claim 1-3, 8-10, and 12 under 35 U.S.C. § 102(e) as being anticipated by Flanagan et al. (US 2003/0055295)

The Examiner has maintained the rejection of claims 1, 2, and 8-12 under 35 U.S.C. § 102(e) as being anticipated by Bergh et al. (US 2002/0170976). In responding to Applicants' previous arguments, the Examiner states that "Applicant has argued that Bergh does not teach the use of a plug flow reactor because 'in the Bergh system the products are separated by space not time.' The Examiner respectfully disagrees with applicant and asserts that Bergh does indeed teach a plug flow reactor use."

The Examiner appears to have misunderstood Applicants' position with respect to Bergh. As the Examiner has correctly noted, paragraph 32 of Bergh states that a plug flow reactor can be used in the Bergh system. Applicants do not contend that Bergh fails to teach a plug flow reactor at all, but rather it is Applicants' position that since the products of the Bergh system are all made at the same time, even if one or more plug flow reactors are used in the Bergh system, the system as a whole is not being used to generate a combinatorial library in a plug flow manner. Instead, the Bergh system utilizes a plurality of reactors organized into a parallel reaction system in which the

temperature is simultaneously and independently varied between separate reaction channels. The Bergh system thus provides for temperature differences between spatially adjacent reactors.

In the present invention, the plug flow reactor provides for samples to be continuously and sequentially made with different starting materials or under different processing conditions even though the samples are not necessarily physically separated. This is accomplished by varying reaction conditions over time. In contrast, in the Bergh system the reaction conditions vary between the spatially adjacent reactors, as opposed to having varying reaction conditions with time. Bergh thus fails to disclose a method of using a plug flow reactor which involves “changing over time at least one of the variables affecting the one or more components to produce a combinatorial library of materials” as is recited in claim 1. For this reason, Applicants submit that Bergh does not disclose all of the elements of the claimed invention. The § 102 rejection based on Bergh should, therefore, be withdrawn.

§ 103 Rejections

The Examiner has withdrawn the previous rejections under § 103 that involved Freitag as the primary reference. However, the Examiner has now issued new rejections under § 103 that are based on Bergh as the primary reference. However, for the reasons discussed above, Applicants respectfully submit that Bergh does not teach all the elements of the present invention, because it fails to describe a system in which the products and conditions are separated in time rather than space. For the reasons provided in Applicants’ previous Response, the secondary references cited by the Examiner (Freitag, Austin, Priddy, and Citron) do not compensate for these deficiencies of Bergh. Thus, even in combination these references do not disclose all of the elements of the rejected claims. The § 103 rejections should, therefore, be withdrawn.

Finally, Applicants note that all of the remaining rejections in this case are based primarily upon the Bergh reference, which has a priority date of Mar. 7, 2001. The present invention was filed less than one month later on April 2, 2001. If the Examiner believes it would be helpful, Applicants can submit evidence in the form of a declaration under 37 C.F.R. § 1.132 establishing that the presently claimed invention was developed before the Mar. 7, 2001 priority date of the Bergh reference.

Conclusion

In view of the foregoing amendments and remarks, Applicants respectfully submit that the application is in condition for allowance. Reconsideration of the application is requested.

All communications in this case should be direct to the undersigned. If the Examiner believes a telephone discussion would be helpful to resolve any of the outstanding issue in this case, the Examiner is encouraged to call the undersigned at the number listed below.

Respectfully submitted,

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Date

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